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ORDINANCE NUMBER 17-04

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the "**FIELD BREWING IN THE JUNCTION PUD DISTRICT**") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance" or "UDO"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Plan Commission") considered a petition (**Petition No. 1704-PUD-04**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Plan Commission forwarded **Petition No. 1704-PUD-04** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Council") with a favorable recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Plan Commission certified the action of the Plan Commission to the Council on May 2, 2017;

WHEREAS, the Council is subject to the provisions of the Indiana Code §36- 7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as "**Field Brewing in the Junction**" (the "District").
- 1.2 Development of the Real Estate shall be governed by: (i) the provisions of this Ordinance and its exhibits; and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

COPY

- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. **District Intent.** The District is intended to support the vision of the Westfield-Washington Township Comprehensive Plan, as amended by the Grand Junction Implementation Plan 2013 (Resolution 13-112) and the Grand Junction Addendum: Sub-Districts of the Grand Junction (Resolution 15-119, as amended by Resolution 16-106) (the "Sub-District Addendum"). This Ordinance further creates the regulatory framework to encourage and permit the Real Estate to be developed and used in accordance with the vision of the Sub-District Addendum.

Section 3. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

Section 4. **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 5. **Underlying Zoning District.** The Underlying Zoning District shall be the GB: General Business District (the "Underlying Zoning District").

Section 6. **Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted on the Real Estate except as otherwise set forth below.

- 6.1 **Prohibited Uses:** The following uses shall be prohibited within the District:

- A. Automobile-dominated uses with a drive-through or pick-up window (e.g., restaurant, pharmacy, and financial institution); and
- B. Any Special Exception Uses permitted in the Underlying Zoning District.

Section 7. **General Regulations.** The standards of Chapter 4 Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified below.

- 7.1 **Minimum Building Setback Lines:**

- A. **Front Yard:** Zero (0) feet
- B. **Side Yard:** Five (5) feet
- C. **Rear Yard:** Five (5) feet

Section 8. **Overlay Districts.** The standards of Article 5.3 State Highway 32 Overlay District (the "32 Overlay") shall not apply to the development of the Real Estate, in accordance with Article 5.3(C)(1) Exceptions; Downtown.

Section 9. **Development Standards.** The standards of Chapter 6 Development Standards shall apply to the development of the Real Estate, except as otherwise modified below.

- 9.1 Article 6.1 Accessory Use and Building Standards: Shall apply; except as otherwise modified below.
- A. Article 6.1(H) Screening of Receptacles and Loading Areas: Shall apply, except as otherwise modified below:
- (1) Article 6.1(H)(2) shall be amended to require that enclosures shall not be located in an Established Front Yard and shall have a minimum setback of two (2) feet from a Side or Rear Lot Line.
 - (2) Article 6.1(H)(3) shall be amended to permit materials for an enclosure that matches and complements the materials of the Principal Building, as depicted in the Illustrative Character Exhibit.
 - (3) Article 6.1(H)(6) shall not apply. Dumpster enclosures shall not be required to have pedestrian access openings (dumpster man-doors).
- 9.2 Article 6.3 Architectural Standards: Shall apply; except as otherwise modified below.
- A. Character Exhibit: Buildings constructed on the Real Estate shall be substantially similar in quality and character with the Illustrative Character Exhibit, attached hereto as Exhibit C. If a provision of Article 6.3 Architectural Standards is in conflict with the Illustrative Character Exhibit, then the Illustrative Character Exhibit shall control.
- B. Franchise and Prototype Architecture: Buildings that are stylized in an attempt to use the building itself as advertising or is contractually required as a standardized or prototype building by a use as a formula from or for another location shall be prohibited, particularly where the proposed architecture is the result of corporate or franchise architecture.
- C. Article 6.3(F)(2) Building Materials: Shall not apply; rather, Buildings shall be faced with authentic natural materials such as wood or Masonry Materials. Highly reflective materials, exterior insulation finishing systems (EIFS), vinyl siding, and concrete block shall be prohibited.
- D. Article 6.3(F)(5) Building Elevations: Shall not apply.
- 9.3 Article 6.5 Fence Standards: Shall apply. In addition, the following shall apply.
- A. The design of fencing, sound walls, enclosures and similar site elements should replicate the architecture of the Principal Building in construction material and detailing.
 - B. Low, wrought iron fences and stone or brick walls no taller than thirty (30) inches shall be permitted in the Established Front Yard to further define the streetscape.
 - C. Wrought iron, wood fences, or other approved fence, or brick or stone walls up to six (6) feet tall shall only be permitted in Side and Rear Yards.
 - D. Chain link fencing shall be prohibited.

9.4 Article 6.8 Landscaping Standards: The Minimum Lot Landscaping Requirements (Article 6.8(K)), Foundation Plantings (Article 6.8(L)), External Street Frontage Landscaping Requirements (Article 6.8(M)), Buffer Yard Requirements (Article 6.8(N)), and Parking Area Landscaping (Article 6.8(O)) shall not apply; rather, the following shall apply.

A. Landscape Plan: Landscaping shall be required and installed in substantial compliance with the Landscape Plan, attached hereto as **Exhibit D**.

B. Landscape Plan Modifications: The Landscape Plan implements the recommendations of the Sub-District Addendum; however, it is contemplated that alternatives that accomplish the design intent of the Sub-District Addendum and intended character of the Main Street corridor may be appropriate. As a result, modifications to the Landscape Plan may be approved by the Department if the modifications further the following objectives:

- (1) The primary focus for landscaping is within the area immediately abutting Main Street, where the highest pedestrian activity will occur. This area shall be landscaped with vegetation and/or hardscaped.
- (2) If hardscaping is proposed, then window or ground planters shall be considered to enhance the Building Facade and soften the streetscape.
- (3) The density of trees and flowers or shrubs will depend on the setback of the building from the street. Spaces abutting the right-of-way enhanced with natural vegetation to the reasonable extent possible to ensure best practices for the plantings health, while also maximizing the "curb appeal" and streetscape character. The building placement will dictate whether a lawn or hardscape is more appropriate.

9.5 Article 6.9 Lighting Standards: Shall apply, except as otherwise modified below.

- A. Lighting shall be designed so that light is not directed off the Real Estate and the light source is shielded from direct offsite viewing.
- B. Exterior lighting may overflow to adjacent properties and rights-of-way; however, for any use abutting a Single-family District, illumination levels shall not exceed 0.5 foot candles at the Lot Line. The minimum amount of light possible for lighting sidewalks shall be used to not wash out Building Facades but still maintain a safe environment.
- C. All exterior architectural, display, decorative and sign lighting shall be generated from concealed, low level fixtures.

9.6 Article 6.14 Parking and Loading Standards: Shall apply, except as otherwise modified below.

- A. Article 6.14(G)(7) Off-Street Parking; Surfacing and Curbs: Shall apply; however, Parking Area surfaces may consist of decomposed granite and shall not be required to be curbed and guttered.
- B. Article 6.14(G)(11) Off-street Parking; Required Spaces: Off-street Parking Spaces shall be required in accordance with the Concept Plan.

Section 10. Infrastructure Standards. The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7 Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works.

Section 11. Design Standards. The standards of Chapter 8 Design Standards shall apply to the development of the Real Estate, except as otherwise modified below.

- 11.1 Article 8.7 Pedestrian Network Standards: No new sidewalk shall be required within an adjacent Right-of-way. Connector sidewalks within the Real Estate shall be provided in substantial compliance with the Concept Plan and may consist of decomposed granite.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGES FOLLOW.]


ALL OF WHICH IS ORDAINED/RESOLVED THIS 8TH DAY OF MAY, 2017.

WESTFIELD CITY COUNCIL

Voting For

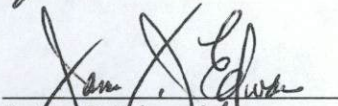
Voting Against

Abstain


Jim Ake

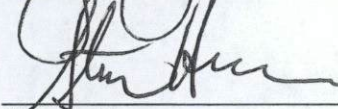
Jim Ake

Jim Ake


James J. Edwards

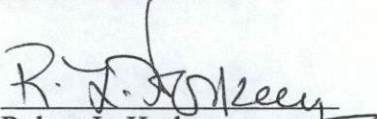
James J. Edwards

James J. Edwards


Steven Hoover

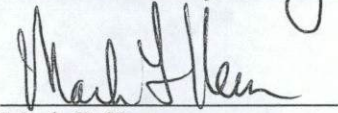
Steven Hoover

Steven Hoover


Robert L. Horkay

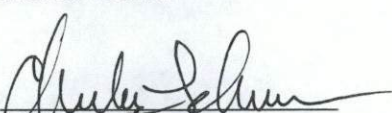
Robert L. Horkay

Robert L. Horkay


Mark F. Keen

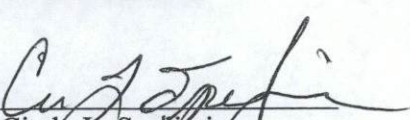
Mark F. Keen

Mark F. Keen


Charles Lehman

Charles Lehman

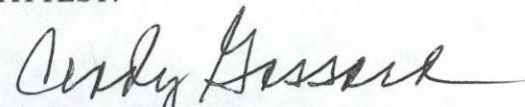
Charles Lehman


Cindy L. Spoljaric

Cindy L. Spoljaric

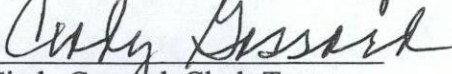
Cindy L. Spoljaric

ATTEST:


Cindy Gossard, Clerk Treasurer

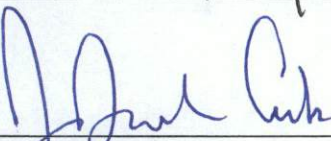
I hereby certify that **ORDINANCE 17-04** was delivered to the Mayor of Westfield

on the 9 day of May, 2017, at 10:10 A m.


Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 17-04**

this 9 day of May, 2017.


J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 17-04**

this _____ day of _____, 2017.

J. Andrew Cook, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jesse M. Pohlman

This document prepared by: Jesse M. Pohlman, Onpointe Land Matters, LLC
Absolute Stability Commercial Real Estate
1230 Viking Sapphire Court, Westfield, Indiana 46074

SCHEDULE OF EXHIBITS

- | | |
|-----------|---------------------------------|
| Exhibit A | Real Estate (Legal Description) |
| Exhibit B | Concept Plan |
| Exhibit C | Illustrative Character Exhibit |
| Exhibit D | Landscape Plan |

EXHIBIT A
REAL ESTATE

Lots numbered Fourteen R (14R) and Thirteen R (13R) in the Replat of Lot 14 and West Half of Lot 13 in the Original Town of Westfield, Hamilton County, Indiana, as per plat thereof recorded November 21, 2013, in Plat Cabinet 5, Slide 161, as Instrument No. 2013070155, in the Office of the Recorder of Hamilton County, Indiana.

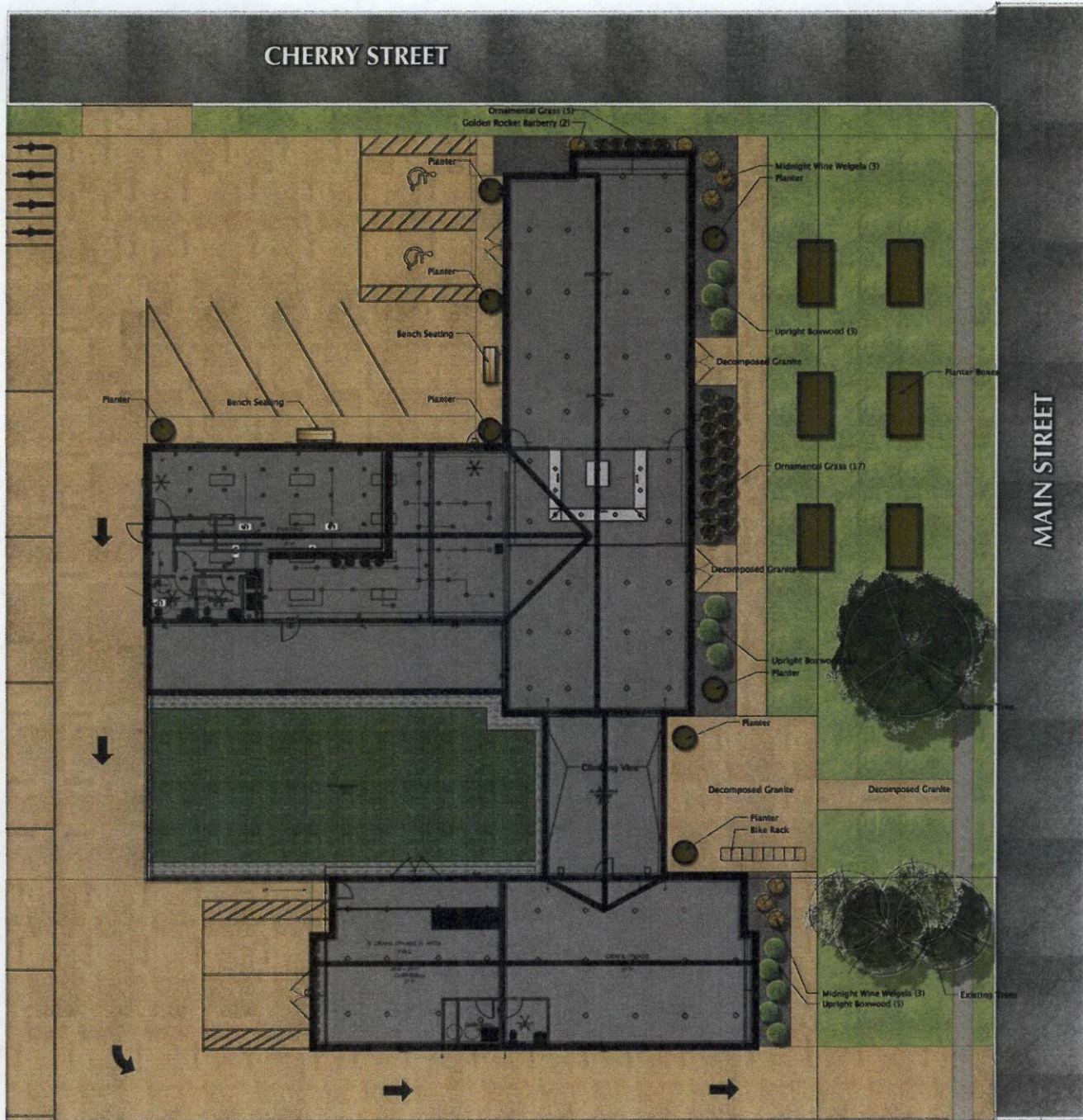
ALSO:

The East Half of Lot Number 13 in the Original Town of Westfield, Hamilton County, Indiana.

FIELD BREWING

IN THE JUNCTION
PLANNED UNIT DEVELOPMENT

EXHIBIT B: CONCEPT PLAN



A9	SHEET:	DATE:	DRAWINGS PROVIDED BY:
	1/29/17	3/2/17	TOM LAZZARA
SCALE:			

CUSTOMLIVING
design - plan - build

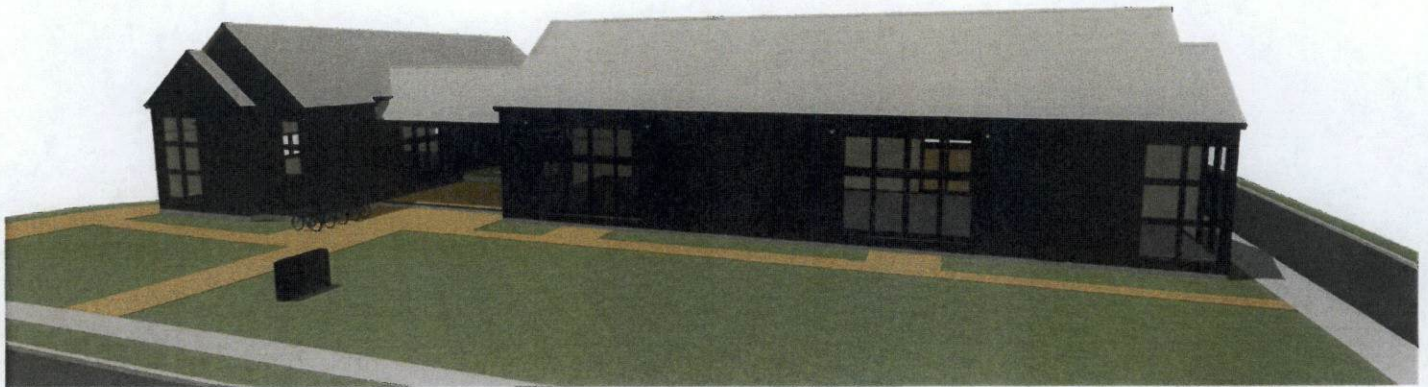
REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION



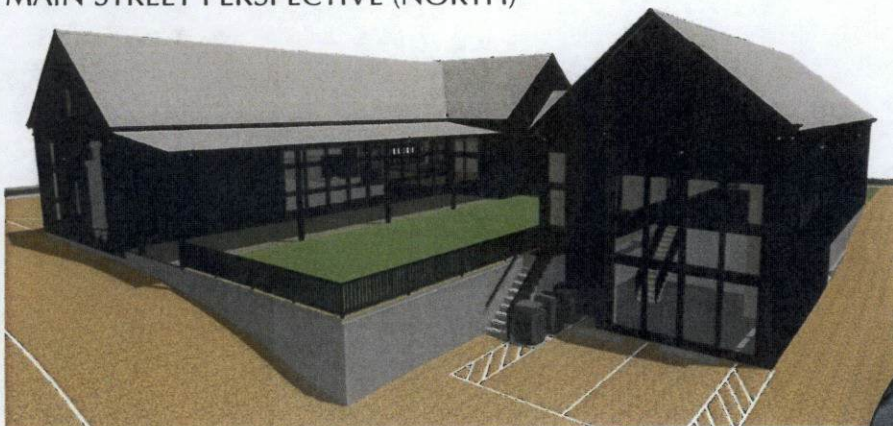
FIELD BREWING

IN THE JUNCTION
PLANNED UNIT DEVELOPMENT

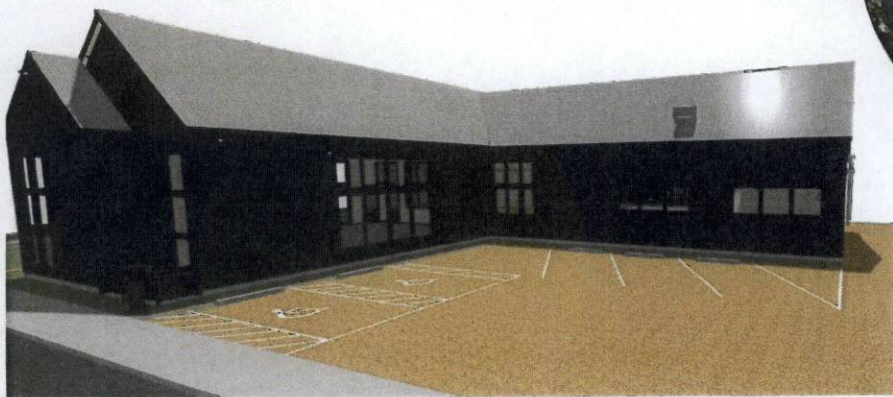
EXHIBIT C: CHARACTER EXHIBIT



MAIN STREET PERSPECTIVE (NORTH)



REAR PERSPECTIVE (SOUTH)



CHERRY STREET PERSPECTIVE (WEST)

PLANTER BOX
CHARACTER
EXHIBIT



WINDOW AND
DOOR TRIM
CHARACTER
EXHIBIT



DUMPSTER
SCREENING
CHARACTER EXHIBIT



A8	SHEET:	SCALE:	DATE: 3/2/17	DRAWINGS PROVIDED BY:
				TOM LAZZARA

CUSTOMLIVING
design • plan • build

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

IN THE JUNCTION PLANNED UNIT DEVELOPMENT

